

SENATE BILL 909

E2, E4

0lr2918
CF 0lr2959

By: **Senator Stone**

Introduced and read first time: February 16, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Repeat Violent Offenders – Diminution Credits and**
3 **Parole Eligibility**

4 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
5 confinement of a certain inmate who has been convicted of a certain second or
6 subsequent crime of violence; eliminating parole eligibility for an inmate who is
7 serving a term of confinement for certain crimes of violence committed on or
8 after a certain date; providing that this Act does not restrict a certain authority
9 of the Governor to pardon or remit a certain sentence; and generally relating to
10 diminution credits and parole eligibility for repeat violent offenders.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 3–702 and 7–301
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2009 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Correctional Services**

19 3–702.

20 (A) [Subject] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS**
21 **SECTION, AND SUBJECT** to § 3–711 of this subtitle and Title 7, Subtitle 5 of this
22 article, an inmate committed to the custody of the Commissioner is entitled to a
23 diminution of the inmate’s term of confinement as provided under this subtitle.

24 (B) **AN INMATE WHO HAS BEEN CONVICTED OF A SECOND OR**
25 **SUBSEQUENT CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **LAW ARTICLE IS NOT ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF**
2 **CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.**

3 7-301.

4 (a) (1) Except as otherwise provided in this section, the Commission shall
5 request that the Division of Parole and Probation make an investigation for inmates in
6 a local correctional facility and the Division of Correction make an investigation for
7 inmates in a State correctional facility that will enable the Commission to determine
8 the advisability of granting parole to an inmate who:

9 (i) has been sentenced under the laws of the State to serve a
10 term of 6 months or more in a correctional facility; and

11 (ii) has served in confinement one-fourth of the inmate's
12 aggregate sentence.

13 (2) Except as provided in paragraph (3) of this subsection, or as
14 otherwise provided by law or in a predetermined parole release agreement, an inmate
15 is not eligible for parole until the inmate has served in confinement one-fourth of the
16 inmate's aggregate sentence.

17 (3) An inmate may be released on parole at any time in order to
18 undergo drug or alcohol treatment, mental health treatment, or to participate in a
19 residential program of treatment in the best interest of an inmate's expected or
20 newborn child if the inmate:

21 (i) is not serving a sentence for a crime of violence, as defined
22 in § 14-101 of the Criminal Law Article;

23 (ii) is not serving a sentence for a violation of Title 3, Subtitle 6,
24 § 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the
25 Criminal Law Article; and

26 (iii) has been determined to be amenable to treatment.

27 (b) Except as provided in subsection (c) of this section, if an inmate has been
28 sentenced to a term of imprisonment during which the inmate is eligible for parole and
29 a term of imprisonment during which the inmate is not eligible for parole, the inmate
30 is not eligible for parole consideration under subsection (a) of this section until the
31 inmate has served the greater of:

32 (1) one-fourth of the inmate's aggregate sentence; or

33 (2) a period equal to the term during which the inmate is not eligible
34 for parole.

1 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph,
2 an inmate who has been sentenced to the Division of Correction after being convicted
3 of a violent crime committed on or after October 1, 1994, is not eligible for parole until
4 the inmate has served the greater of:

5 1. one-half of the inmate's aggregate sentence for
6 violent crimes; or

7 2. one-fourth of the inmate's total aggregate sentence.

8 (ii) An inmate who has been sentenced to the Division of
9 Correction after being convicted of a violent crime committed on or after October 1,
10 1994, and who has been sentenced to more than one term of imprisonment, including a
11 term during which the inmate is eligible for parole and a term during which the
12 inmate is not eligible for parole, is not eligible for parole until the inmate has served
13 the greater of:

14 1. one-half of the inmate's aggregate sentence for
15 violent crimes;

16 2. one-fourth of the inmate's total aggregate sentence;
17 or

18 3. a period equal to the term during which the inmate is
19 not eligible for parole.

20 (2) An inmate who is serving a term of imprisonment for a violent
21 crime committed on or after October 1, 1994, shall receive an administrative review of
22 the inmate's progress in the correctional facility after the inmate has served the
23 greater of:

24 (i) one-fourth of the inmate's aggregate sentence; or

25 (ii) if the inmate is serving a term of imprisonment that
26 includes a mandatory term during which the inmate is not eligible for parole, a period
27 equal to the term during which the inmate is not eligible for parole.

28 **(D) (1) AN INMATE SERVING A TERM OF IMPRISONMENT FOR A**
29 **SECOND OR SUBSEQUENT CONVICTION FOR A CRIME OF VIOLENCE, AS DEFINED**
30 **IN § 14-101 OF THE CRIMINAL LAW ARTICLE, COMMITTED ON OR AFTER**
31 **OCTOBER 1, 2010, IS NOT ELIGIBLE FOR PAROLE CONSIDERATION AND MAY NOT**
32 **BE GRANTED PAROLE AT ANY TIME DURING THE INMATE'S SENTENCE.**

33 **(2) THIS SUBSECTION DOES NOT RESTRICT THE AUTHORITY OF**
34 **THE GOVERNOR TO PARDON OR REMIT ANY PART OF A SENTENCE UNDER §**
35 **7-601 OF THIS TITLE.**

1 ~~[(d)]~~ (E) (1) Except as provided in paragraphs (2) and (3) of this
2 subsection, an inmate who has been sentenced to life imprisonment is not eligible for
3 parole consideration until the inmate has served 15 years or the equivalent of 15 years
4 considering the allowances for diminution of the inmate's term of confinement under §
5 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

6 (2) An inmate who has been sentenced to life imprisonment as a result
7 of a proceeding under § 2–303 or § 2–304 of the Criminal Law Article is not eligible for
8 parole consideration until the inmate has served 25 years or the equivalent of 25 years
9 considering the allowances for diminution of the inmate's term of confinement under §
10 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

11 (3) (i) If an inmate has been sentenced to imprisonment for life
12 without the possibility of parole under § 2–203 or § 2–304 of the Criminal Law Article,
13 the inmate is not eligible for parole consideration and may not be granted parole at
14 any time during the inmate's sentence.

15 (ii) This paragraph does not restrict the authority of the
16 Governor to pardon or remit any part of a sentence under § 7–601 of this title.

17 (4) If eligible for parole under this subsection, an inmate serving a
18 term of life imprisonment may only be paroled with the approval of the Governor.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2010.